

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN RE: ) CASE NO. 11-40529  
)  
DANIEL L KOCH, )  
)  
Debtor. )

**OBJECTION/RESISTANCE TO CREDITOR WELLS FARGO HOME MORTGAGE'S  
MOTIONS FOR RELIEF FROM BOTH DEBTOR AND CO-DEBTOR STAY**

COMES NOW the Debtor, Daniel L Koch, and hereby submits his Objection/Resistance to the Amended Motions for Relief from Automatic Debtor and Co-Debtor Stay filed by Creditor, Wells Fargo Home Mortgage (**Docs. # 56 and 57**) for the following reasons:

1. Debtor disputes that he owes any obligation to Wells Fargo Home Mortgage as servicer for Wells Fargo Bank National Association.
2. Debtor disputes that he owes any obligation to any predecessor in interest to Wells Fargo Home Mortgage as servicer fo Wells Fargo Bank National Association, including, ut not limited to The Money Store.
3. Debtor asserts that Wells Fargo Home Mortgage as servicer fo Wells Fargo Bank National Association lacks standing to pursue this debt or enforce any alleged lien.
4. Debtor asserts that no proper assignment has been made from The Money Store, or any other predecessor in interest, to Wells Fargo Home Mortgage as servicer for Wells Fargo Bank National Association.
5. Litigation has been instituted to determine the rights and obligations of the parties with regard to the note and deed of trust and whether either is now enforceable. A claim has been filed by Wells Fargo Home Mortgage as servicer for Wells Fargo Bank National Association. Debtor is simultaneously filing an objection to Claim #5, of Wells Fargo,

which is the disputed debt.

6. Debtor filed this bankruptcy primarily for the relief and protections afforded by the automatic stay to prevent creditor from inflicting permanent and irreparable harm to debtors interests pending the resolution of currently litigated issues.
7. The parties are currently in the process of litigating and determining their legal rights and liabilities in United States Bankruptcy Court for the District of Nebraska, Adversary Case No. A11-4058.
8. While Wells Fargo alleges that there is a co-debtor, the alleged co-debtor did not sign the promissory note and Wells Fargo has presented no evidence that there is any debtor even potentially responsible for the subject debt, except Dan Koch. (See Promissory Note attached to Proof of **Claim #5**, and Promissory Note attached to **Docs. #56 and 57**)

WHEREFORE, Debtor prays the Court overrule Creditor's Amended Motions for Relief from the Debtor and Co-Debtor Automatic Stay and for such other and further relief as the Court deems just and equitable.

DATED: July 22, 2011.

DANIEL L KOCH, Debtor

BY: /s/ James C. Bocott  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the above document was filed with this Court using the Court's CM/ECF System, which sent notification of such filing to the following parties:

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